



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL OCEAN SERVICE**  
**Office of National Marine Sanctuaries**  
1305 East-West Highway  
Silver Spring, Maryland 20910

April 24, 2023

Jessica Sanders, President  
RMS Titanic, Inc.  
3045 Kingston Court, Suite I  
Peachtree Corners, GA 30071  
Via e-mail: jsanders@emgroup.com

Re: Section 113 of the Consolidated Appropriations Act of 2017

Dear Ms. Sanders,

It was great to meet you recently and discuss your future plans for RMS Titanic, Inc., including your desire to improve the company's relationship with NOAA and the company's interest in potentially planning expeditions to *Titanic* in 2023 and 2024. I look forward to learning more about the company's plans as they shape up.

As a general reminder, I am sharing the information below regarding NOAA's authority under Section 113, which NOAA is also providing to Magellan. NOAA is currently reviewing the letter OceanGate filed with the U.S. District Court for the Eastern District of Virginia regarding its expeditions plans to *Titanic* in summer 2023.

*Information Regarding Section 113*

As you know, section 113 provides that "no person shall conduct any research, exploration, salvage, or other activity that would physically alter or disturb the wreck or wreck site of the RMS Titanic unless authorized by the Secretary of Commerce," consistent with the Agreement Concerning the Shipwrecked Vessel RMS Titanic ("International Agreement"), U.K.–U.S., Nov. 6, 2003–June 18, 2004, 19 T.I.A.S. 1118. The Secretary of Commerce has delegated to the NOAA Administrator partial authority to authorize activities under Section 113. See 84 Fed. Reg. 38012 (Aug. 29, 2019). Any person subject to U.S. jurisdiction who intends to conduct any research, exploration, salvage, or other activity that would physically alter or disturb the *Titanic* wreck or wreck site must apply for a Section 113 authorization from the NOAA Administrator.

Any person requesting a section 113 authorization or a determination from NOAA that an authorization is not required should provide NOAA with information sufficient to demonstrate that the proposed project will comply with the Annex Rules of the International Agreement. NOAA also encourages anyone considering an expedition to the wreck or wreck site to review the NOAA Guidelines for Research, Recovery and Salvage of RMS Titanic, 66 Fed. Reg. 18905 (Apr. 12, 2001), as well as the International Maritime Organization Circular, Pollution Prevention Measures in the Area Surrounding the Wreckage of RMST Titanic, MEPC.1/Circ.779 (Jan. 31, 2012). Additional information about Section 113, the International Agreement, and the



applicable guidelines may be found on NOAA's website at [https://www.gc.noaa.gov/gcil\\_titanic-authorizations.html](https://www.gc.noaa.gov/gcil_titanic-authorizations.html), and requests for or questions regarding authorizations under Section 113 should be directed to [Titanic.Authorizations@noaa.gov](mailto:Titanic.Authorizations@noaa.gov).

In addition to the potential need for a section 113 authorization, the U.S. District Court for the Eastern District of Virginia has ordered RMST to "provide the Court and NOAA at least (90) days advance notice of any planned expeditions to the *Titanic* wreck and wreck site, to include a description of any planned dive or salvage activities at *Titanic*." Order, 2:93-cv-0902 (E.D. Va. Dec. 21, 2018), ECF No. 540.

Please let me know if you have any questions. Thank you for your continued cooperation with NOAA.

Sincerely,

Mitchell Tartt  
Chief, Science and Heritage Division  
NOAA's Office of National Marine Sanctuaries

cc:  
Brian A. Wainger, Kaleo Legal  
David G. Barger, Greenberg Traurig, LLP

